

BEST AVAILABLE COPY

Organization

Bldg./Room

U. S. DEPARTMENT OF COMMERCE  
COMMISSIONER FOR PATENTS

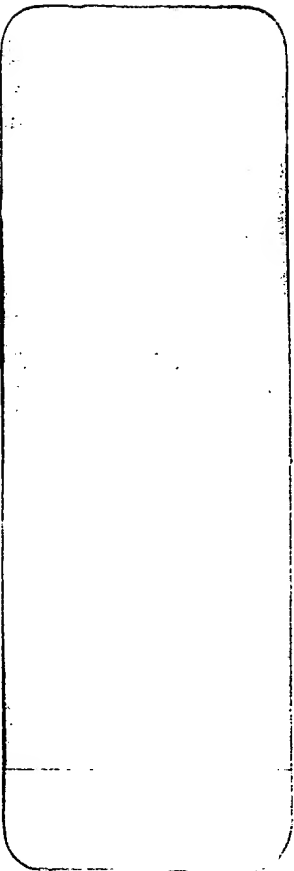
P.O. BOX 1450


ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

AN EQUAL OPPORTUNITY EMPLOY



 NOT DELIVERABLE  
AS ADDRESSED,  
UNABLE TO FORWARD

56



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,421	03/29/1999	M. IBRAHIM SEZAN	KLR:7146.028	5722

7590 12/23/2003

KEVIN L RUSSELL  
CHERNOFF VILHAUER MCCLUNG & STENZEL  
ONE S W COLUMBIA SUITE 600  
PORTLAND, OR 97258

EXAMINER
----------

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## RECEIVED

DEC 29 2003

Technology Center 2600

## Office Action Summary

Application No.

09/280,421

Applicant(s)

SEZAN ET AL.

Examiner

Reuben M. Brown

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31-34, 36-37, 41, 44-45, 48, 54, 58-62, 64-65, 69, 72-73, 76, 82, 86-90, 92-93, 97, 100-101, 104, 110 & 114 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoddie, (U.S. Pat # 5,727,141).

Considering claims 31, 59 & 87, the claimed system or method for presenting information and method for creating an image file is met by the disclosure of Hoddie. In particular, the claimed unitary file containing an image and additional data associated with the image is met by movie file shown in Fig. 2, which includes a video track 205, audio track 210 and container track 215, col. 6, lines 59-67.

The claimed selection mechanism that permits the selection of objects in the image in order to retrieve the additional information, and a presentation mechanism that provides the

Art Unit: 2611

additional information to the viewer in response to selecting the object is met by Hoddie, col. 1, lines 41-64; col. 2, lines 22-42 & col. 17, lines 29-31.

Considering claims 32, 60 & 88, see Fig. 2.

Considering claims 33-34, 61-62 & 89-90, the separation of the image and the additional information reads on the disclosure that video data is in the video track 205 and the additional information is in the container track 215.

Considering claims 36-37, 64-65 & 92-93, col. 9, lines 11-30 meets the claimed feature of a first layer of additional information describing the location of objects within an image. As for the further claimed feature of a second layer containing the additional information regarding the objects, Hoddie is directed to viewers receiving additional information upon selection of hot buttons. Thus the reference reads on the claimed subject matter.

Regarding the recitation of the first layer containing fewer bytes than the second layer, Hoddie discloses that the additional information may for example be a menu driven help routine with multiple headings and pages, col. 1, lines 41-51. Therefore it follows that the location information defining a hot button would not require as many bytes as a multiple page help menu.

Considering claims 41, 69 & 97, see Hoddie col. 9, lines 11-16.

Art Unit: 2611

Considering claims 44-45, 72-73 & 100-101, Hoddie teaches a more detailed definition of the object, which would inherently contain more bytes than the first definition, since it includes more data points; see col. 9, lines 16-21.

Considering claims 48, 76 & 104, the claimed textual annotations read on the help menu, col. 1, lines 41-51 & col. 17, lines 29-32.

Considering claims 54, 82 & 110, Hoddie discusses overlaying images, col. 11, lines 22-45.

Considering claims 58, 86 & 114, the recitation of information regarding how an image should be viewed is broad enough to read on different shapes of a button, such rectangular, square or circle, col. 5, lines 1-15.

*Claim Rejections – 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35, 38-40, 42-43, 46-47, 49-53, 55-57, 63, 66-68, 70-71, 74-75, 77-81, 83-85, 91, 94-96, 98-99, 102-103, 105-109, 111-113 & 115-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoddie.

Considering claims 35, 63 & 91, Hoddie does not discuss the use of JPEG images. Official Notice is taken that at the time the invention was made, JPEG was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie using JPEG images at least for the desirable benefit of a more standard image display format, thereby being operable in more display systems.

Considering claims 38-40, 42-43, 66-68, 70-71, 94-96 & 98-99, Official Notice is taken that at the time the invention was made, it was known in the art to provide a wide range of parameters regarding objects to be displayed. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie in a manner wherein

Art Unit: 2611

particular parameters related to objects to be displayed are stored in the system, at least for the known benefit of more efficiently processing the objects.

Considering claims 46-47, 49-51, 74-75, 77-79, 102-103 & 105-107, Hoddie does not discuss the use of sound files, HTML pages, JAVA or color histograms, Official Notice is taken that at the time the invention was made, it was well known to associate sound, HTML, JAVA and color with multimedia files. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie with the well features of sound, HTML, JAVA and color at least for the desirable advantage of a more user friendly and efficient interactive system.

Considering claims 52-53, 80-81 & 108-109, Official Notice is taken that at the time the invention was made, it was well known to maintain parameters regarding the specifics of a particular image capture procedure, and optimal image reproduction values. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hoddie to include image capture parameters and optimal reproduction values, at least for the improvement of a more aesthetically pleasing image display.

Considering claims 55-57, 83-85 & 111-113, Official Notice is taken that at the time the invention was made, maintaining the authorship & copyright status of documents, particularly those used by the general public, was well known. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie to maintain the



Art Unit: 2611

authorship & copyright status of images being used in the system, at least for the desirable purpose of avoiding any potential licensing issues.

Considering claims 115-117, Hoddie does not discuss the transmission of data between computer systems. Official Notice is taken that at the time the invention was made, computer-to-computer transmission was very well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Hoddie transmitting the video and data files between computers, including upon request, at least for the desirable advantage of providing the material to wider audience of users.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klappert, (U.S. Pat # 6,256,785), in view of Throckmorton, (U.S. Pat # 5,818,441).

Considering claim 1, the claimed method for associating additional information with a video including a plurality of frames; comprising identifying at least one of the frames, providing a descriptive stream including the additional information in the descriptive stream related to the at least one frame is met by the disclosure of Klappert, which teaches that X-Y protocol data is used to provide a linkage between primary video content and additional data; see Abstract; col. 8, lines 1-35. Furthermore, Klappert discloses that the information defining an interactive hot-spot needs to be updated because its position on the screen may change from frame to frame,

Art Unit: 2611

thereby teaching that the additional information given with respect to specific frames; see col. 5, lines 1-5.

As for the recitation of the descriptive stream being separate from the video, Klappert only explicitly teaches interleaving the private X-Y protocol data with event data, in MPEG streams, col. 6, lines 31-40. Throckmorton is in the same field of endeavor as Klappert, i.e., synchronizing associated content with primary video content. Thockmorton discloses that the associated data may be delivered over a transmission medium different from the primary video stream; see col. 4, lines 12-20 & col. 5, lines 25-37. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert, as taught by Throckmorton to transmit associated content separately from video content at least for the known desirable purpose of conserving bandwidth for the video content.

The further claimed features of providing the video and selectively providing the additional information to a viewer approximately at the time of providing the video is met by Klappert (col. 4, lines 41-67) & Throckmorton, (col. 4, lines 57-61 & col. 8, lines 1-15).

Considering claim claims 2, 7, 16 & 28, Throckmorton, col. 1, lines 21-40; col. 3, lines 55-67 & col. 5, lines 32-35 meets the claimed subject matter.

Considering claim 3, the descriptive information in Klappert, i.e., protocol data, identifies objects within a frame, col. 4, lines 42-55 & col. 8, lines 1-30.

Considering claim 4, the hot-spots in Klappert may be related to a plurality of frames.

Considering claim 5, the frames in Klappert are time sequential, col. 5, lines 41-52.

Considering claim 6, the recited non-sequential frame reads on Klappert, col. 10, lines 39-58.

Considering claim 8, the claimed index reads on Klappert (col. 8, lines 6-32) & Throckmorton (col. 4, lines 52-65).

Considering claim 9, both references teaches that associated data may include web pages, which were known include copyright information.

Considering claim 10, see Throckmorton col. 4, lines 15-20.

Considering claim 11, Throckmorton teaches that the primary video data does not need the associated data in order to function properly, col. 3, lines 50-62.

Considering claim 12, Klappert teaches the use of MPEG-2 video broadcasts, col. 8, lines 6-10.

Art Unit: 2611

Considering claim 13, the references do not discuss providing additional information on a remote control. Official Notice is taken that at the time the invention was made, it was known in the art to provide subscribers with additional information via an LCD type display on a remote control. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert to provide messages on a remote control, at least for the desirable improvement of ensuring that the viewer is informed of interactive options.

Considering claim 14, Official Notice is taken that at the time the invention was made, providing subscribers with an audible tone to indicate a message is available was old in the art, particularly being used in when receiving emergency broadcast information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Klappert with the well known technique of an audible tone to indicate reception of information, at least for the known benefit of informing the subscriber, even when the instant subscriber is not actually looking at the TV screen.

Considering claim 15, the claimed visual indication of a hot-spot is included in Klappert. See Fig. 3; Fig. 4 & col. 5, lines 6-10.

Considering claims 17 & 29, the associated data in Klappert may include video, which also includes audio.

Art Unit: 2611

Considering claims 18 & 30, Klappert discusses how the hot-spot changes as the video progresses, which reads on a motion model, col. 5, lines 1-6.

Considering claim 19, the claimed subject matter reads on Klappert, since the reference does not use upstream signaling to change video streams, all of the changes are to programming within the downstream video data, col. 6, lines 31-41.

Considering claim 20, the claimed program instructions read on the X-Y protocol data discussed in Klappert.

Considering claim 21, the claimed elements of a video system corresponds with subject matter mentioned above in the rejection of claim 1, and are likewise treated. Both Klappert (Fig. 1) and Throckmorton (col. 4, lines 21-65) disclose the claimed encoder and receiver.

The additionally claimed trigger mechanism reads on the Real time trigger 76 of Throckmorton.

Considering claims 22-23, see Throckmorton col. 4, lines 12-50.

Considering claims 24-25, the claimed subject matter reads on the user in Klappert interactively selecting a hot-spot using a remote control, which is what the reference is directed.

Art Unit: 2611

Considering claims 26-27, the recited feature correspond with subject matter mentioned above in the analysis of claims 3, 19 & 20, and are thus likewise treated.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kikinis Teaches transmitting associated data, such as web pages along with primary video content.

B) Watts Transmission of primary video content & subsidiary data content, such that the subsidiary data content is independent of the primary video content; see Abstract.

Art Unit: 2611

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

**Notice of References Cited**

Application/Control No.

09/280,421

Applicant(s)/Patent Under  
Reexamination  
SEZAN ET AL.

Examiner

Reuben M. Brown

Art Unit

2611

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,727,141	03-1998	Hoddie et al.	345/475
	B	US-6,256,785	07-2001	Klappert et al.	725/136
	C	US-5,818,441	10-1998	Throckmorton et al.	725/112
	D	US-5,929,849	07-1999	Kikinis, Dan	725/113
	E	US-6,324,694	11-2001	Watts et al.	725/32
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

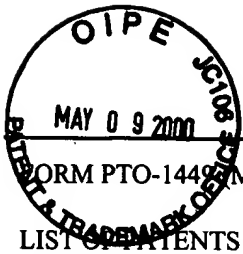
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.





RECEIVED

MAY 16 2000

FORM PTO-1449 (Modified)

ATTY. DOCKET NO.  
KLR 7146.028SERIAL NO  
09/280,421  
Group 2700LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENTAPPLICANT  
Borden, et al.

(Use several sheets if necessary)

FILING DATE  
March 29, 1999

GROUP

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
NB	AA	5,706,049	Jan. 6, 1998	Moghadam			
NB	AB	5,655,117	Aug. 5, 1997	Goldberg, et al.			
NB	AC	5,600,775	Feb. 4, 1997	King, et al.			
NB	AD	5,539,871	Jul. 23, 1996	Gibson			
NB	AE	5,559,949	Sep. 24, 1996	Reimer, et al.			
NB	AF	5,596,705	Jan. 21, 1997	Reimer, et al.			
NB	AG	5,553,221	Sep. 3, 1996	Reimer, et al.			
NB	AH	5,541,662	Jul. 30, 1996	Adams, et al.			
NB	AI	5,539,477	Jul. 23, 1996	Myhrvold, et al.			
NB	AJ	5,586,235	Dec. 17, 1996	Kauffman			
NB	AK	5,327,529	Jul. 5, 1994	Fults, et al.			

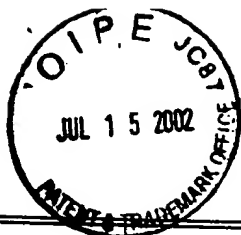
## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							

## OTHER ART

	BA	<del>AD</del> Mendelsohn 12/6/03
--	----	--

Information Disclosure Statement - PTO-1449 (Modified)



RECEIVED

JUL 18 2002

Technology Center 2600

ATTORNEY DOCKET NO. KLR 7146.028

COPY OF PAPERS  
ORIGINALLY FILED

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. KLR 7146.028	SERIAL NO. 09/280,421
	APPLICANT Sezan	
	FILING DATE March 29, 1999	GROUP

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
NB	AA	5,410,326	April 25, 1995	Goldstein			
NB	AB	5,708,845	Jan 13, 1998	Wistendahl et al			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
NB	BA	WO 98/16062	16 April 1998					
NB	BB	WO 97/41690	6 Nov. 1997					
NB	BC	EP 0 596 823	19 July 2000					
	BD							

## OTHER ART

NB	CA	ITU-T Recommendation T.84; ISO/IEC IS 10918-3, <i>Digital Compression and Coding of Continuous-Tone still images - Extensions</i> . Made available via ISO/IEC SC29 WG1.
	CB	

Examiner Signature	<i>Neelam Ben</i>	Date Considered	<i>12/2/03</i>
-----------------------	-------------------	--------------------	----------------

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language translation is attached.

Information Disclosure Statement - PTO-1449 (Modified)

FORM PTO-1449 (Modified)	ATTY. DOCKET NO. KLR: 7146.0028	SERIAL NO. 09/280,421
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	APPLICANT Sezan, et. al.	
	FILING DATE March 29, 1999	GROUP 2713

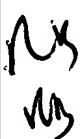
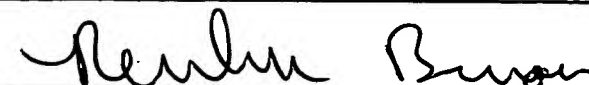
REFERENCE DESIGNATION U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

SEP 23 2003

Technology Center 2600

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	BA	Murray, James D. and VanRyper, William, <i>Encyclopedia of Graphics File Formats, Second Edition</i> , 1996, "JPEG File Interchange Format," pps. 510-515.
	BB	Murray, James D. and VanRyper, William, <i>Encyclopedia of Graphics File Formats, Second Edition</i> , 1996, "SPIFF," pps. 822-837.
EXAMINER		
		DATE CONSIDERED 12/2/03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NOTICE OF DRAFTPERSON'S  
PATENT DRAWING REVIEWThe drawing filed (insert date) 3/23/98 are:A. Y not objected to by the Draftperson under 37 CFR 1.84 or 1.152.B. Y objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:  
Black ink. Color.       Color drawing are not acceptable until petition is granted.Fig(s)              Pencil and non black ink is not permitted. Fig(s)       

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

       Photographs are not acceptable until petition is granted,       3 full-tone sets are required. Fig(s)              Photographs not properly mounted (must bristol board or photographic double-weight paper). Fig(s)              Poor quality (half-tone). Fig(s)       

## 3. TYPE OF PAPER. 37 CFR 1.84(c)

       Paper not flexible, strong, white and durable.Fig(s)              Erasures, alterations, overwritings, interlineations, folds, copy machine marks not acceptable. (too thin)       Mylar, vellum paper is not acceptable (too thin).Fig(s)       

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

       21.0 cm by 29.7 cm (DIN size A4)       21.6 cm by 27.9 cm (8 1/2 x 11 inches)       All drawings sheets not the same size.Sheet(s)       

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

X Margins not acceptable. Fig(s) 5       Top (T) X Left (L)       Right (R)        Bottom (B)

## 6. VIEWS. CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

       Views connected by projection lines or lead lines.Fig(s)       

Partial views. 37 CFR 1.84(h)(2)

       Brackets needed to show figure as one entity.Fig(s)              Views not labeled separately or properly.Fig(s)              Enlarged view not labeled separately or properly.Fig(s)       

## 7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

       Hatching not indicated for sectional portions of an object.Fig(s)              Sectional designation should be noted with Arabic orRoman numbers. Fig(s)       

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

       Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned, so that the top becomes the right side, except for graphs. Fig(s)              Views not on the same plane on drawing sheet. Fig(s)       

## 9. SCALE. 37 CFR 1.84(k)

       Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.Fig(s)       

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)

       Lines, numbers & letters not uniformly thick and well defined, clean, durable and black (poor line quality).Fig(s)       

## 11. SHADING. 37 CFR 1.84(m)

       Solid black areas pale. Fig(s)              Solid black shading not permitted. Fig(s) 6, 9       Shade lines, pale, rough and blurred. Fig(s)       

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.48(p)

       Numbers and reference characters not plain and legible.Fig(s)              Figure legends are poor. Fig(s)              Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(3) Fig(s)              English alphabet not used. 37 CFR 1.84(p)(3) Fig(s)              Numbers, letters and reference characters must be at least.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig(s)       

## 13. LEAD LINES. 37 CFR 1.84(q)

       Lead lines cross each other. Fig(s)              Lead lines missing. Fig(s)       

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(i)

       Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Fig(s)       

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

       Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)       

## 16. CORRECTIONS. 37 CFR 1.84(w)

       Corrections not made from PTO-948 dated       

## 17. DESIGN DRAWINGS. 37 CFR 1.152

       Surface shading shown not appropriate. Fig(s)              Solid black shading not used for color contrast.Fig(s)       

COMMENTS

REVIEWER       DATE 5/16/98TELEPHONE NO. 7533050895ATTACHMENT TO PAPER NO.       

APPLICANT'S COPY

**NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT  
REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE  
ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT  
REFERENCES**

**Summary**

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site ([www.USPTO.gov](http://www.USPTO.gov)) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

**Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References**

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

## Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: [http://www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html).

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at [eReference@uspto.gov](mailto:eReference@uspto.gov) or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

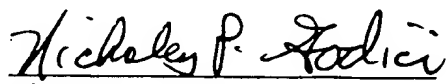
### Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

Date. 12/1/03

  
Nicholas P. Godici  
Commissioner for Patents

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**